

**BEFORE THE
PHILADELPHIA WATER, SEWER AND STORM WATER RATE
BOARD**

In Re: 2022 Annual TAP-R
Reconciliation Proceeding

:

**MOTION TO
STRIKE**

TO HEARING OFFICER MARLANE R. CHESTNUT:

Lance Haver, Pro Se, hereby files this Motion to Strike and requests that the “public advocate’s “Post Hearing Exhibit” “be stricken and removed from the record.

The exhibit was not timely filed. It is also identical to the “post hearing exhibit” filed in another case, raising the question as to the veracity of the filing.

Even if in some miraculous way, two separate emails were sent on the same day to the same people, at the same time, recorded on the same spread sheet, in the same exact order as an exhibit proffered in a different proceeding, there is absolutely no proof that it was done. In addition, the late filing prohibits participants from seeking clarifications regarding the same filing in two different proceedings and raising the question of efficacy, how likely is it for someone receiving two emails, at the same time, on the same day, from the same sender to open both?

The exhibit was submitted after the discovery and hearings were finished. And after Participant Haver’s objection to the partial settlement in which Haver objected to the acceptance of the settlement because of the failure of the “public advocate” to engage the public and protect the public interest was filed. This filing appears to be nothing more than an attempt to cover up the failures of the ‘public advocate” to contact and engage the public. As the exhibit is not verified, sworn to or even submitted associated with a name, it is unclear if the “public advocate” is even claiming that these people were contacted, with two separate

emails, on the same day, in the same order at the same time, or if one email was sent regarding both proceedings.

Unverified exhibits should raise questions, duplicate filings in two different cases, claiming the same activity, should raise questions, but the lateness of this filing prevents the questions from being raised.

Participant Haver and all others have been and are being precluded from examining the veracity of the claims in the filing and asking why it appears to be the exact same as previous filings by the Public Advocate, down to the same date, same names, in the same order.

1. The filing was late, after the close of discovery and the end of the hearings
2. The lateness of the filing has made it impossible for Haver or any participants to file rebuttal testimony.
3. The lateness of the filing made it impossible to make discovery requests to examine the veracity of the statements made in the exhibit.
4. The lateness of the filing made it impossible to proffer testimony showing that emailing people is not an effective way to communicate with people, especially low income people who often do not have email access.
5. The lateness of the filing made it impossible to discover how many people responded to the “public advocate’s” request that it be contacted with concerns.
6. The lateness of the filing made it impossible to cross examine the person and or persons reputed to have sent the emails.
7. The exhibit reports to show that emails were sent March 17th, 2022 7 weeks prior to the filing of the exhibit.
8. It is clear, based on the purported dates that the exhibit could have been filed at any time between March 17th and the day before discovery was ended.
9. It is clear, based on the purported dates that the exhibit could have been filed at any time between March 17th and the day before the hearings ended.
10. It is clear that the ‘public advocate’ filed the exhibit late in an attempt to avoid scrutiny of its actions and lack of effort.

11. There is no name associated with the exhibit, no way to know who prepared it, who wrote the emails, who sent the emails, how many emailed were undeliverable, how many emails were opened.
12. The lateness of the filing makes it impossible to ascertain how many of the email addresses were accurate.
13. There is no verification claiming that the information in the exhibit is true and correct.
14. Accepting this exhibit, without allowing for examination, discovery, rebuttal testimony and cross examination of the preparer is unjust and prejudicial as one of Haver's pleadings will be regarding ineffectiveness of counsel, specifically the failure of the "public advocate" to create an advisory group, respond to the public or engage the public in the proceedings.

WHEREFORE, on the basis of the foregoing, Haver requests that Hearing

Officer Chestnut grant this Motion and strike the post hearing exhibit from this proceeding.

Submitted,

Lance Haver, Pro Se
735 S 12th St # 401
Phila, PA 19147

VERIFICATION

I, Lance Haver, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that statements herein are made subject to the penalties of 18 PA C.S section 4904 (relating to unsworn falsification to authorities).

Lance Haver, Pro Se